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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/099,931

03/14/2002

Oliver Bremer

944-004.002/NC 16334 US

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7590.

09/14/2006

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EXAMINER

HENNING, MATTHEW T

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 09/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/099,931	Applicant(s) BREMER, OLIVER	
	Examiner Matthew T. Henning	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 June 2006.  
2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10-15,17-22 and 24-28 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1,3-8,10-15,17-22 and 24-28 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 17 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1           This action is in response to the communication filed on 6/9/2006.

2                           **DETAILED ACTION**

3                           *Response to Arguments*

4           Applicant's arguments filed 6/9/2006 have been fully considered but they are not  
5   persuasive.

6           Regarding applicant's argument that Safadi did not disclose sending the IMEI, name, or  
7   MSISDN, because a certificate is not one of those three options, the examiner does not find the  
8   argument persuasive. Safadi, in Paragraph 0036, disclosed the certificate being an X.509  
9   certificate, which contains the sender name. As such, the examiner does not find the argument  
10   persuasive.

11          Regarding applicant's argument that Safadi did not disclose sending a device certificate  
12   in addition to the IMEI, name or MSISDN, the examiner does not find the argument persuasive.  
13   There is no limitation in the claim language that the name is not found in the certificate, and as  
14   discussed above, both the certificate and the name contained therein are sent. Therefore the  
15   examiner does not find the argument persuasive.

16          Regarding applicant's argument that Safadi did not disclose content sharing between  
17   wireless phones, the examiner does not find the argument persuasive. Again this limitation is not  
18   found in the claims and as such the examiner is not persuaded by the argument. Furthermore,  
19   see Safadi Paragraphs 0054-0056.

20

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1 All objections and rejections not set forth below have been withdrawn.

2 Claims 1, 3-8, 10-15, 17-22 and 24-28 have been examined.

3 ***Priority***

4 This application has no priority claimed.

5 Therefore, the effective filing date for the subject matter defined in the pending claims in  
6 this application is 3/14/2002, not 3/14/2005 as indicated in the previous office action.

7 ***Claim Rejections - 35 USC § 112***

8 The following is a quotation of the second paragraph of 35 U.S.C. 112:

9 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the  
10 subject matter which the applicant regards as his invention.

11  
12 Claims 3-6, and 24-25 are rejected under 35 U.S.C. 112, second paragraph, as being  
13 indefinite for failing to particularly point out and distinctly claim the subject matter which  
14 applicant regards as the invention. In these cases, claims 3 and 24 depend from cancelled claims  
15 2, and 23 respectively. The examiner will assume for the purposes of searching prior art, that the  
16 claims were meant to depend from claims 1 and 22 respectively.

17 ***Claim Rejections - 35 USC § 102***

18 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the  
19 basis for the rejections under this section made in this Office action:

20 *A person shall be entitled to a patent unless –*

21 *(e) the invention was described in (1) an application for patent, published under section*  
22 *122(b), by another filed in the United States before the invention by the applicant for patent or*  
23 *(2) a patent granted on an application for patent by another filed in the United States before the*  
24 *invention by the applicant for patent, except that an international application filed under the*  
25 *treaty defined in section 351(a) shall have the effects for purposes of this subsection of an*  
26 *application filed in the United States only if the international application designated the United*  
27 *States and was published under Article 21(2) of such treaty in the English language.*  
28

1           Claims 1-4, 6-11, 13-17, 19-21, and 27-28 are rejected under 35 U.S.C. 102(e) as being  
2   anticipated by Safadi et al. (US Patent Application Publication Number 2002/0147686)  
3   hereinafter referred to as Safadi.

4           Regarding claims 1 and 28, Safadi disclosed a method comprising: forwarding peer-to-  
5   peer content in a wireless network having a network infrastructure, where a wireless sender  
6   encrypts protected content or content encryption key and a wireless recipient consumes the  
7   protected content without requiring content personalization assistance from the network  
8   infrastructure; and sending an initial message having an international mobile equipment identity,  
9   a sender name or mobile station international integrated subscriber digital network number to the  
10   wireless recipient (See Safadi Paragraphs 0032, 0036-0037, 0042, and 0044).

11          Regarding claim 8, Safadi disclosed a wireless network comprising: at least two wireless  
12   terminals and a network infrastructure for forwarding peer-to-peer content from one wireless  
13   terminal to another wireless terminal; the at least two wireless terminals having a peer-to-peer  
14   forwarding/reception of DRM protected content module configured for either encrypting or  
15   consuming protected content without content personalization assistance from the network  
16   infrastructure (See Safadi Paragraphs 0032, 0036-0037, and 0044), the peer-to-peer  
17   forwarding/reception of DRM protected content protocol module of a wireless sender configured  
18   for sending an initial message having either an international mobile equipment identity, a sender  
19   name or mobile station international integrated subscriber digital network number to a wireless  
20   recipient (See Safadi Paragraph 0036 and 0042).

21          Regarding claim 15, Safadi disclosed a wireless terminal comprising: one or more  
22   modules for operating in a wireless network having another wireless terminal and a network

1 infrastructure for forwarding peer-to-peer content from the wireless terminal to the other wireless  
2 terminal, each wireless terminal having a peer-to-peer forwarding/reception of DRM protected  
3 content module configured for either encrypting, consuming, or a combination thereof, protected  
4 content without content personalization assistance from the network infrastructure, and the peer-  
5 to-peer forwarding/reception of DRM protected content protocol module of a wireless sender  
6 configured for sending an initial message having either an international mobile equipment  
7 identity, a sender name or mobile station international integrated subscriber digital network  
8 number to a wireless recipient (See Safadi Paragraphs 0032, 0036-0037, 0042 and 0044).

9       Regarding claim 3, Safadi disclosed that the wireless recipient sends a device certificate  
10 having a public key to the wireless sender (See Safadi Paragraphs 0036 and 0041).

11       Regarding claims 4, 11, and 17, Safadi disclosed that that the wireless sender  
12 personalizes the protected content or content encryption key for the wireless recipient (See  
13 Safadi Paragraphs 0036-0037 and 0044).

14       Regarding claims 6, 13, and 20, Safadi disclosed that the wireless recipient verifies  
15 forwarded protected content received from the wireless sender by: verifying the device certificate  
16 of the wireless sender (See Safadi Paragraph 0043); and applying a private key of the wireless  
17 recipient in order for the recipient to consume the protected content (See Safadi Paragraphs  
18 0036-0037 and 0044).

19       Regarding claims 7, 14, and 21, Safadi disclosed that the protected content is digital  
20 rights management protected content (See Safadi Paragraph 0034).

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1           Regarding claims 10, and 19, Safadi disclosed that the peer-to-peer forwarding/reception  
2 of DRM protected content module of a wireless sender sends a device certificate having a public  
3 key to the wireless sender (See Safadi Paragraphs 0036-0037 and 0042).

4           Regarding claim 27, Safadi disclosed that the initial message includes a device certificate  
5 to the wireless recipient (See Safadi Paragraph 0042).

6  
7  
8                                   ***Claim Rejections - 35 USC § 103***

9           The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
10 obviousness rejections set forth in this Office action:

11           *A patent may not be obtained though the invention is not identically disclosed or*  
12 *described as set forth in section 102 of this title, if the differences between the subject matter*  
13 *sought to be patented and the prior art are such that the subject matter as a whole would have*  
14 *been obvious at the time the invention was made to a person having ordinary skill in the art to*  
15 *which said subject matter pertains. Patentability shall not be negated by the manner in which*  
16 *the invention was made.*  
17

18           Claims 5, 12, 18, and 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable  
19 over Safadi as applied to claims 4, 8, and 17 respectively above, and further in view of Mott et  
20 al. (US Patent Number 6,170,060) hereinafter referred to as Mott.

21           Safadi disclosed that the steps for personalizing include: encrypting the content or content  
22 encryption key using a public key of the wireless recipient (See Safadi Paragraphs 0036-0037);  
23 and sending the protected content or content encryption key and a device certificate of the  
24 wireless sender to the wireless recipient (See Safadi Paragraphs 0042 and 0044), but failed to

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1 disclose signing encrypted content or content encryption key using a private key of the wireless  
2 sender, or sending the protected content with a device certificate of the sender.

3 Mott teaches that a digital signature should be appended to downloaded content in order  
4 to be able to verify the data (See Mott Col. 11 Paragraph 2).

5 It would have been obvious to the ordinary person skilled in the art at the time of  
6 invention to employ the teachings of Mott in the content distribution system of Safadi by  
7 including a signature of the content with the content. This would have been obvious because the  
8 ordinary person skilled in the art would have been motivated to provide a means for the recipient  
9 to verify the integrity of the data. Further, it was well known in the art at the time of invention  
10 that the certificate of a signor could be included with the signed object and therefore it would  
11 have been obvious to the ordinary person skilled in the art to have done so.

12 Regarding claim 22, the combination of Safadi and Mott disclosed a method comprising:  
13 forwarding a protected content or content encryption key from a first terminal to a second  
14 terminal, comprising the steps of: sending an initial message from the first terminal to the second  
15 terminal (See Safadi Paragraph 0042) the initial message including a sender name, an  
16 international mobile equipment identity, a mobile station integrated service digital network  
17 number, or a combination thereof (See Safadi Paragraphs 0036 and 0042); sending a digital  
18 rights management device certificate containing a public digital rights management key from the  
19 second terminal to the first terminal (See Safadi Paragraph 0041); verifying the public digital  
20 rights management key by the first terminal (See Safadi Paragraph 0041); personalizing digital  
21 rights management content or content encryption key by encryption using a public key of the  
22 second terminal (See Safadi Paragraphs 0036-0037 and 0044); signing encrypted digital rights



1 management content or content encryption key using a private digital rights management key of  
2 the first terminal (See the rejection of claim 5 above); sending encrypted and signed digital rights  
3 management content or content encryption key together with a digital rights management device  
4 certificate of the first terminal from the first terminal to the second terminal (See the rejection of  
5 claim 5 above); verifying the digital rights management device certificate of the first terminal by  
6 the second terminal (See Safadi Paragraph 0043); and applying a private digital rights  
7 management key of the second terminal, if the private digital rights management key of the first  
8 terminal is verified, in order for the second terminal to consume the protected content (See  
9 Safadi Paragraph 0044).

10 Regarding claim 26, see Safadi Paragraph 0042.

11 Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the  
12 combination of Safadi and Mott as applied to claim 23 above, and further in view of Gustafsson  
13 (US Patent Number 6,424,841).

14 Safadi and Mott disclosed sending encrypted and signed digital rights management  
15 content to the first terminal and verifying the same in the first terminal (See the rejection of  
16 claim 22 above), but failed to disclose sending confirmation or error messages. However, Safadi  
17 and Mott did disclose that the communications were with a cell phone (See Safadi Paragraph  
18 0033).

19 Gustafsson teaches that in a mobile phone system, acknowledgment messages should be  
20 provided to the sender of a message by the recipient (See Gustafsson Col. 2 Paragraphs 3-4).

21 It would have been obvious to the ordinary person skilled in the art at the time of  
22 invention to employ the teachings of Gustafsson in the content distribution system of Safadi and

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Mott by having the receiver either acknowledge proper receipt of the content or send an error message to the sender. This would have been obvious because the ordinary person skilled in the art would have been motivated to ensure proper receipt of the content.

*Conclusion*

Claims 1, 3-8, 10-15, 17-22, and 24-28 have been rejected.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew T. Henning whose telephone number is (571) 272-3790. The examiner can normally be reached on M-F 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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1 Information regarding the status of an application may be obtained from the Patent  
2 Application Information Retrieval (PAIR) system. Status information for published applications  
3 may be obtained from either Private PAIR or Public PAIR. Status information for unpublished  
4 applications is available through Private PAIR only. For more information about the PAIR  
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7 like assistance from a USPTO Customer Service Representative or access to the automated  
8 information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

9  
10 

11 Matthew Henning  
12 Assistant Examiner  
13 Art Unit 2131  
14 9/7/2006

  
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